IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7019 of 1993

Between:

Madugula Kotaiah, S/p Appaiah,

Aged about 50 years, Agriculturist,

R/o Banjar, H/o Ammapalem Village,

Dornakal Mandal, Warangal District. **..... PETITIONER**

AND

1. Valdas Nagaiah, S/o Naraiah, Major,

Occupation: Agriculturist, R/o Ammapalem

Village, Dornakal Mandal,

Warangal District.

2. The Govt. of Andhra Pradesh,

rep. by its Principal Secretary to

Revenue Department, Secretariat,

Hyderabad.

3. The District Collector, Warangal.

4. The Revenue Divisional Officer,

Mahaboobabad, Warangal District.

5. The mandal Revenue Officer,

Dornakal Mandal, Warangal District.

(Writ Petition is dismissed for default against R1

as per Court Order dated 26-03-2004) **....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ Order, or direction more particularly one in the nature of a Writ of Mandamus declaring: (i) that the Proviso to Sub-Section (2) of Section 38-E of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and the Rules issues thereunder in G.O.Ms.No.2064, Revenue (F) Department, dated 07-05-1980 are unworkable void, illegal and unconstitutional and further (ii) that the impugned notices bearing No.B/47/93 dated 25-02-1993 followed by the order No.B/47/93, dated 30-03-1993 issued by the fifth respondent the Mandal Revenue Officer, Dornakal Mandal, Warangal District and pertaining to Survey No.330 measuring Ac.0.05 Guntas and Survey No.332 measuring Ac.0.27 guntas situated at Ammapalem Village, Dornakal Mandal, Warangal District are arbitrary, illegal and void.

Counsel for the Petitioner:MR.B.SITARAMAIAH

Counsel for the Respondents 2 to 5: G.P. FOR REVENUE

And

WRIT PETITION NO : 7039 of 1993

Between:

Vallabhaneni Suresh,

S/o Venkatramanarsiah,

Aged 26 years, Occ:Agriculture,

R/o Ammapalem, Dornakal Mandal,

Warangal. **..... PETITIONER**

AND

1. Sri Valdas Bixam, S/o Nasiga, aged 60 years,

Occupation: Agriculture, R/o Ammapalem

Village, Dornakal Mandal,

Warangal District.

2. The Govt. of Andhra Pradesh,

rep. by its Principal Secretary to

Revenue Department, Secretariat,

Hyderabad.

3. The District Collector, Warangal.

4. The Revenue Divisional Officer,

Mahaboobabad, Warangal District.

5. The mandal Revenue Officer,

Dornakal Mandal, Warangal District.

(Writ Petition is dismissed for default against R1

as per Court Order dated 26-03-2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ Order, or direction more particularly one in the nature of a Writ of Mandamus declaring: (i) that the Proviso to Sub-Section (2) of Section 38-E of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and the Rules issues thereunder in G.O.Ms.No.2064, Revenue (F) Department, dated 07-05-1980 are unworkable void, illegal and unconstitutional and further (ii) that the impugned notices bearing No.B/47/93 dated 25-02-1993 issued by the fifth respondent the Mandal Revenue Officer, Dornakal Mandal, Warangal District and pertaining to Survey No.409 measuring Ac.4.08 Guntas situated at Ammapalem Village, Dornakal Mandal, Warangal District followed by his order No.B/47/93 dated 30-03-1993 is arbitrary, illegal and void.

Counsel for the Petitioner:MR.B.SITARAMAIAH

Counsel for the Respondents 2 to 5: G.P. FOR REVENUE

And

WRIT PETITION NO : 7041 of 1993

Between:

Gadipalli Mallaiah, S/o Narsiah,

Aged 65 years, Occ: Agriculture,

R/o Ammapalem Banjar,

Ammapalem Village, Dornakal

Mandal, Warangal District.

..... PETITIONER

AND

1. Sri ValdasNagaiah, S/o Naraiah, Major,

R/o Ammapalem

Village, Dornakal Mandal,

Warangal District.

2. The Govt. of Andhra Pradesh,

rep. by its Principal Secretary to

Revenue Department, Secretariat,

Hyderabad.

3. The District Collector, Warangal.

4. The Revenue Divisional Officer,

Mahaboobabad, Warangal District.

5. The mandal Revenue Officer,

Dornakal Mandal, Warangal District.

(Writ Petition is dismissed for default against R1

as per Court Order dated 26-03-2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ Order, or direction more particularly one in the nature of a Writ of Mandamus declaring: (i) that the Proviso to Sub-Section (2) of Section 38-E of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and the Rules issues thereunder in G.O.Ms.No.2064, Revenue (F) Department, dated 07-05-1980 are unworkable void, illegal and unconstitutional and further (ii) that the impugned notices bearing No.B/47/93 dated 25-02-1993 followed by the order No.B/47/93, dated 30-03-1993 issued by the fifth respondent the Mandal Revenue Officer, Dornakal Mandal, Warangal District and pertaining to Survey No.330 measuring Ac.0.28 Guntas and Survey No.332 measuring Ac.1.05 guntas situated at Ammapalem Village, Dornakal Mandal, Warangal District are arbitrary, illegal and void.

Counsel for the Petitioner:MR.B.SITARAMAIAH

Counsel for the Respondents 2 to 5: G.P. FOR REVENUE

The Court made the following :

COMMON ORDER:

Since all these three petitions are connected, they are being taken up together for disposal.

It is represented by the learned Counsel appearing on behalf of the petitioners that the connected Writ petition No.7039 of 1993 has already been dismissed on merits, as per the orders Dated 14-03-2004.

Having regard to the above and following the same, these three Writ Petitions are dismissed. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Govt. of Andhra Pradesh,

rep. by its Principal Secretary to

Revenue Department, Secretariat,

Hyderabad.

2. The District Collector, Warangal.

3. The Revenue Divisional Officer,

Mahaboobabad, Warangal District.

4. The Mandal Revenue Officer,

Dornakal Mandal, Warangal District.

5. 2CD copies